In the Matter of	)	
	)	
Wireline Competition Bureau Seeks	)	WC Docket No. 13-184
Focused Comment on E-rate Modernization	)	

COMMENTS OF THE OHIO E-RATE CONSORTIUM

The Ohio E-Rate Consortium ("OERC") hereby submits these comments in response to

the Public Notice ("Notice") released by the Federal Communications Commission ("FCC" or

"Commission") in the above-captioned proceeding.[1] The OERC is composed of semi-public

entities that provide telephone, Internet, and high-speed data to public and non-public K-12

schools throughout Ohio.[2] OERC members have been providing telephone, Internet and high-

speed data services to Ohio schools since prior to the start of the E-Rate program and continue to

provide the services under the E-Rate program.

I.   INTRODUCTION AND SUMMARY

The E-Rate program has been serving the needs of K-12 schools and libraries for the past

15 years by bringing them access to telecommunications and the Internet. With time, however,

those needs have changed. The beneficiaries of today's E-Rate program require, as the

Commission describes it, "21st Century tools." OERC applauds the Commission's recognition of

the fact that obtaining those tools requires schools to have access to high-capacity wireless

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[1] Wireline Competition Bureau Seeks Focused Comment on E-rate Modernization, WC Docket No. 13-184, Public Notice, DA 14-308 (rel. March 6, 2014) ("Notice").

[2] The OERC entities submitting comments are Regional Council of Governments, established under Ohio Revised Code § 167 for the purpose of participation in the Ohio Education Computer Network (see List of Commenters at Exhibit 1).

broadband directly into the classroom. To that end, OERC's comments will focus on the

following areas:

- The ability to fund wireless service from the cloud into the classroom as a Priority One service;
- Creating efficiencies for multi-year contracts; and
- Recognizing that VoIP is a natural complement to the broadband platform.

II.   FUNDING WIRELESS SERVICE FROM THE CLOUD TO CLASSROOM AS PRIORITY ONE

In the Notice, the Commission appears to struggle with balancing the clear need for

wireless access in the classroom with the ability of schools to fund the service under the E-Rate

program. What the Notice fails to identify is that in many instances wireless access service from

the cloud to the classroom is fully fundable as a Priority One service.

Equipment provided as part of a wireless Internet access service must be evaluated

pursuant to the *Tennessee Order* in the same manner as wired Internet access service. In many

instances, the entire service – including provider-owned facilities located on premises – fully

qualifies for Priority One funding. In the *Tennessee Order*, the Commission evaluated whether

facilities located on an applicant's premises should be recognized as part of an end-to-end

Internet access service, and thus Priority one, or as part of internal connections, and thus Priority

Two.[3] The Commission found that the on-premises equipment should be presumed to be internal

connections, but that the presumption is rebuttable where the facilities are determined to be part

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[3] *See Request for Review by the Department of Education of the State of Tennessee, Integrated Systems and Internet Solutions, Inc., and Education Networks of America*, Order, 14 FCC Rcd 13734, 13747-55, ¶¶ 26-42 (1999) ("*Tennessee Order*").

of an end-to-end service.[4] To make that determination, the Commission evaluates certain items, such as the ownership of the equipment used to provide the service, whether the applicant could own the equipment at any point, whether the applicant has exclusive use of the equipment, whether maintenance agreements for the equipment are in place, and whether the applicant paid any upfront capital costs.[5] In cases where wireless access service fulfills the requirements of the *Tennessee Order*, the service must be funded as Priority One. There can be no justification for discriminating against wireless access.

III.   STREAMLINING THE ADMINISTRATIVE PROCESS

Over the last five to ten years, OERC has seen a dramatic increase in the number of applicants requesting multi-year contracts. The multi-year contract offers benefits for both the applicant and the service provider. For applicants, a multi-year contract allows the school/library to have guaranteed service for a projected cost over the course of a three to five year period in-line with the technology goals of the applicant. In many instances, applicants that enter into multi-year contracts also experience cost-savings, as multi-year contracts with applicants allow last-mile providers to enter into longer-term contracts with middle-mile providers and pass the cost savings onto the applicant.

Streamlining the administrative process with regard to multi-year contracts would incentivize the use of such contracts and ease burdens on the applicants and providers. OERC recommends that the Commission revise the rules to only require a Form 471 for the first year of the contract. The additional Form 471s filed for the remaining years of the contract simply burden the applicant and have no discernible value. Moreover, in OERC's experience, the

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[4] *Id.* at 13753-54, paras. 37-38.
[5] *Id.* at 13754, para. 39.

multiple filings serve only to delay funding and burden the Schools and Libraries' review process which treats each new Form 471 as a new form. A related problem is that in many instances, a question raised and resolved after the filing of the initial Form 471 will be raised again every year of the contract. Applicants and providers are required to resubmit identical justifications and explanations, this despite the fact that the issue was fully resolved previously.

IV.   REDUCED SUPPORT FOR VOICE SERVICES

OERC encourages the Commission to continue E-rate funding support for VoIP services. The transition from traditional voice services to VoIP is a natural one in light of the Commission's desire to bring broadband into the classroom. Converging voice and data into one broadband platform translates to one set of equipment and one set of wires. In turn, services provided from a single platform result in simplified maintenance. OERC encourages the Commission to continue E-rate funding support for VoIP as schools transition from traditional voice services and into the future of the E-rate program.

V.   CONCLUSION

OERC thanks the Commission for the additional opportunity to participate in the reform of the E-rate program. OERC has seen first-hand the positive impact of the E-rate program over the last fifteen years and appreciates the Commission's desire to continue to improve upon a necessary and worthy program.

To improve the program, OECR recommends that: (i) wireless access to the classroom continues to be funded as a Priority One service; (ii) efficiencies are created for multi-year contracts; and (iii) the Commission recognize the synergies associated with offering voice and broadband off of a single platform and the need for continued funding of VoIP services.

Respectfully submitted

Ohio E-Rate Consortium

By: _Mark J. Palchick / Peter Gutmann_

Mark J. Palchick
Rebecca Jacobs

Ohio E-Rate Consortium

Area Cooperative Computerized Educational Service System

Hamilton County Educational Service Center

Licking Area Computer Association

Lake Geauga Computer Association

Metropolitan Dayton Educational Cooperative Association

Metropolitan Educational Council

Miami Valley Educational Computer Association

North Central Ohio Computer Cooperative

North Coast Council

Northwest Ohio Area Computer Services Cooperative

NorthEast Ohio Management Information Network

Northeast Ohio Network for Educational Technology

Northern Ohio Educational Computer Association

Northwest Ohio Computer Association

Ohio Mid-Eastern Regional Education Service Agency

Southwest Ohio Computer Association

South Central Ohio Computer Association

South Eastern Ohio Voluntary Education Cooperative

Tri-County Computer Services Association